

Ordinance No. 2870  
**CITY OF CONCORD**

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*In the year of our Lord two thousand and twelve*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-2 Pawnbrokers.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE of ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations; Article 15-2 Pawnbrokers; Section 15-2-1, Definitions, by amending the definition of Second Hand Dealer, as follows:

15-2-1 Definitions.

(b) Second Hand Dealer shall mean a person, firm, partnership or corporation whose business is the retail buying, selling, buy back, exchanging, dealing in or dealing with second hand articles, including but not limited to jewelry, watches, diamonds, or other precious stone or gems, gold, silver, platinum, or other precious metals, coins, stamps, musical instruments and equipment, cameras, furs, home and auto stereo equipment, televisions, VCR's, DVD players, multimedia devices, digital equipment, video games, systems, and accessories, tools, computers and computer equipment, auto accessories and collectibles, excepting furniture and books. Mail order transactions or retail stores that exchange or provide cash or credit for returned articles shall not be included within these definitions.

**SECTION II:** Amend the CODE of ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations; Article 15-2 Pawnbrokers; Section 15-2-2, License Required – Pawnbrokers/Secondhand Dealer, by amending subsection (b) and adding new subsection (d), as follows:

15-2-2 License Required – Pawnbrokers/Secondhand Dealer.

(b) The license fee shall accompany each license application. The license will be valid for one year from the date it is issued and may not be assigned or transferred. A license shall not be issued to a person, firm, or corporation who has been previously convicted of receiving stolen property in this state or any other state or territory of the United States.

(d) The Licensing Officer may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for just cause, after a hearing.

- (1) *Notice and Hearing.* The Licensing Officer shall notify the licensee in writing, stating the reasons for which the license is subject to suspension or revocation, and shall inform the licensee of the time and place for the hearing. The Notices provided for under this subsection shall be deemed to have been properly served when the notice has been delivered personally to the licensee or person in charge or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the licensee. A copy of such notice shall be filed with the records of the Code Administrator.
- (2) *Hearing.* A hearing before the Licensing Officer shall be held within five (5) business days of service of notice. Upon written application, or on his or her own motion, the Licensing Officer shall have authority to extend the time for the hearing date.
- (3) *Decision.* Based upon the record of such hearing, the Licensing Officer shall have the authority to suspend or revoke the license. A suspension shall not exceed the term of the original grant of the license. A license that has been revoked shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon after the expiration of at least two (2) years after the date of revocation.
- (4) *Appeals.* The licensee shall be entitled to file an appeal to the Licensing Board pursuant to Section 15-10-11. A motion to stay the decision of the Licensing Officer pending the appeal shall not be requested to the Licensing Board unless the licensee first unsuccessfully sought similar relief from the Licensing Officer. This requirement may be waived by the Licensing Board upon motion in extraordinary circumstances.

**SECTION III:** Amend the CODE of ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations; Article 15-2 Pawnbrokers; Section 15-2-6, Penalties, by amending the language, as follows:

15-2-6 Fines.

Whoever violates any provision of this Article shall be subject to a fine as established by Title 1, Article 1-5, Section 1-5-2 of the General Code. Violations of any provision of this Article shall be deemed just cause for revocation of license.

**SECTION IV:** This ordinance shall take effect upon its passage.

*In City Council  
March 12, 2012  
Passed*